

1 UNITED STATES DISTRICT COURT
2 EASTERN DISTRICT OF VIRGINIA
3 ALEXANDRIA DIVISION
4 UNITED STATES OF AMERICA,) Case 1:18-cr-00457
5)
6 Plaintiff,)
7)
8 v.) Alexandria, Virginia
9) December 18, 2018
10 BIJAN RAFIEKIAN,) 9:30 a.m.
11)
12 Defendant.)
13) Pages 1 - 6

14 TRANSCRIPT OF ARRAIGNMENT
15 BEFORE THE HONORABLE ANTHONY J. TRENGA
16 UNITED STATES DISTRICT COURT JUDGE

17 APPEARANCES:

18 FOR THE PLAINTIFF:

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25 FOR THE DEFENDANT:

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THE DEFENDANT, BIJAN RAFIEKIAN, IN PERSON

COMPUTERIZED TRANSCRIPTION OF STENOGRAPHIC NOTES

1 THE CLERK: Criminal Case 1:18-cr-457, *United*
2 *States v. Bijan Rafiekian.*

3 Counsel, will you please note your
4 appearances for the record.

5 MR. GILLIS: Good morning, Your Honor. Jim
6 Gillis and Evan Turgeon for the United States.

7 THE COURT: Good morning, Mr. Gillis.

8 MR. TROUT: Good morning, Your Honor. Robert
9 Trout of the firm of Trout, Cacheris & Janis
10 representing Mr. Rafiekian. Also with me at counsel
11 table is my partner, Gloria Solomon. She is not a
12 member of this court.

13 THE COURT: All right. Welcome to everyone.
14 We are here for an arraignment.

15 Mr. Rafiekian, would you come to the podium
16 with your counsel, please.

17 Mr. Trout, have you provided a copy of the
18 indictment to Mr. Rafiekian and reviewed it with him?

19 MR. TROUT: Yes, Your Honor, I have.

20 THE COURT: Does he waive reading?
21 You've received a copy, sir?

22 THE DEFENDANT: Yes.

23 MR. TROUT: And he waives reading.

24 THE COURT: All right. How does he plead to
25 the charges?

1 THE DEFENDANT: Not guilty, Your Honor.

2 THE COURT: All right. You would like a
3 trial by jury; is that correct?

4 MR. TROUT: Yes, Your Honor.

5 THE COURT: All right. I'm going to set this
6 matter down for trial on -- I believe the speedy trial
7 is February 25. Is that correct?

8 MR. GILLIS: That's correct, Your Honor.

9 THE COURT: All right. I'll set this trial
10 down for trial on February 11 at 9:00 a.m. I'll set a
11 motions filing date of January 18, and we'll have a
12 hearing on any motions on February 4.

13 Is there a discovery order in the case?

14 MR. GILLIS: Your Honor, given that there
15 will be new counsel coming in and given the complexity
16 of the case, I expect that some of the dates may be
17 moved from our standard order. So I have not discussed
18 that yet with counsel.

19 We do have a protective order, however, so we
20 can begin production of discovery.

21 THE COURT: All right.

22 MR. GILLIS: I'll give that to Mr. Burns.

23 THE COURT: All right.

24 (A document is passed up to the Court.)

25 THE COURT: The Court has entered the

1 discovery order.

2 Does either counsel anticipate any possible
3 CIPA issues that may be in the case?

4 MR. GILLIS: Your Honor, there may be one,
5 and we're endeavoring to have that document
6 declassified. We hope to have the answer to that --

7 (Counsel confer.)

8 MR. GILLIS: I beg your pardon. There will
9 be some CIPA litigation, Your Honor.

10 THE COURT: All right. Mr. Trout.

11 MR. TROUT: Yes, Your Honor. Two things. I
12 do expect additional counsel or other counsel to be
13 entering an appearance. I would hope that that would
14 occur within a week.

15 The other thing that I wanted to call the
16 Court's attention to is that there is going to be -- I
17 really haven't had a chance to look at this yet. We
18 just got the indictment yesterday. I do expect there's
19 going to be some focus on getting evidence from a
20 foreign country. I think that's going to, obviously,
21 complicate the scheduling of this.

22 So my request is that if we could have some
23 sort of a status or return in a couple of weeks, maybe
24 after the first of the year after the holidays, we'll
25 have a better idea after confirming with counsel and

1 new counsel to be able to address some of the issues
2 for the Court so that we have a realistic timetable.

3 THE COURT: I would like to do that. Let's
4 do it on January 3 at 10:00.

5 Mr. Gillis, what's the status of the
6 remaining defendant?

7 MR. GILLIS: To the best of our knowledge,
8 Your Honor, he is in Turkey.

9 THE COURT: All right.

10 MR. GILLIS: There is an arrest warrant.

11 THE COURT: You don't anticipate he'll be
12 joining us anytime soon?

13 MR. GILLIS: I do not, Your Honor.

14 THE COURT: All right. What's the
15 government's position on continued release pending
16 trial?

17 MR. GILLIS: We have no objection to
18 continuing the same conditions, Your Honor.

19 THE COURT: All right. Mr. Trout, anything on
20 that?

21 MR. TROUT: Nothing further to add on that,
22 Your Honor.

23 THE COURT: All right. Mr. Rafiekian, would
24 you come to the podium, please.

25 As you know, a plea of not guilty has been

1 entered on your behalf. I've set this matter down for
2 trial before a jury to begin on February 11.

3 Between now and when you return here for
4 trial, you will be released on the same terms and
5 conditions as have been previously imposed. You will
6 remain under the supervision of Pretrial Services and
7 Probation.

8 THE DEFENDANT: Yes, Your Honor.

9 THE COURT: All right. Anything further?

10 MR. GILLIS: No, Your Honor.

11 THE COURT: All right. Counsel is excused.

12 The defendant is released on bond.

13 MR. TROUT: Thank you, Your Honor.

14 MR. GILLIS: Thank you, Your Honor.

15 THE COURT: All right. The Court will stand
16 in recess.

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Time: 9:36 a.m.

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I certify that the foregoing is a true and
accurate transcription of my stenographic notes.

/s/
Rhonda F. Montgomery, CCR, RPR